

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRETT J. BALL,

Plaintiff,

vs.

SUNTRUST MORTGAGE, INC.;
ATEC FORECLOSURE
CORPORATION; FEDERAL
NATIONAL MORTGAGE
ASSOCIATION; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.,

Defendant.

2:10-CV-02064-PMP-LRL

ORDER

Before the Court for consideration is Defendant SunTrust Mortgage, Inc.'s Partial Motion to Dismiss Plaintiff's Complaint (Doc. #7), filed on December 1, 2010. On December 2, 2010, Defendant Aztec Foreclosure Corporation joined in Defendant's Motion to Dismiss (Doc. #10). On January 19, 2011, Plaintiff Brett Ball filed an Opposition to Defendant's Partial Motion to Dismiss (Doc. #22) to which Defendants' Reply (Doc. #23 and #24) on January 31, 2011. Having read and considered the foregoing the Court finds that Defendants' Partial Motion to Dismiss Plaintiff's First and Third Causes of Action should be granted.

Specifically, Plaintiff's First Cause of Action for Wrongful Foreclosure and Third Cause of Action to Quiet Title failed because Plaintiff is in default and therefore lacks standing to pursue either claim.

1 **IT IS THEREFORE ORDERED** that Defendants' Partial Motion to
2 Dismiss Plaintiff's First and Third Causes of Action (Doc. #7) is **GRANTED**.

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4 DATED: February 14, 2011.

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7 PHILIP M. PRO
8 United States District Judge
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